THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 10370 of 2007

Dated: 16-05-2007

Between:

Om Sai Krishna Motor Driving School,
Rep., by its Principal,
Jaggaiahpet,
Krishna District.

..... PETITIONER

AND

The Deputy Transport Commissioner
And Secretary,
Regional Transport Authority
Krishna District
Vijayawada.

.....RESPONDENT

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 10370 of 2007

O R D E R:

Heard the learned Counsel for the petitioner and the learned Government Pleader for Transport for the respondent. With their consent, the Writ Petition is being disposed of at the stage of admission

It is represented that this Court had already considered the question that had fallen for determination in the present writ petition by order dated 27-04-2007 in W.P.No.9013 of 2007, and held as under:

> "It is not in dispute that the vehicles bearing Nos.ABP-7857 and ADI-6144 are more than 15 years old. If they are being utilized as school buses, for transporting school or college children, the prohibition contained in the order in W.P.No.15591 of 2006, squarely applies to them, and no exception can be taken to the impugned notice. However, it is evident that the petitioner was granted a licence in Form No.11, under Rules 24 and 25 of the Motor Vehicles Rules, to run a Motor Driving School, and the two vehicles mentioned above, are entered in the licence, in addition to another vehicle bearing No.APJ-2225. The parameters for using a vehicle, for transporting students, on the one hand, and imparting training to drivers, on the other hand, stand on a totally different footing. The vehicles used for training are included in the licence, only on being satisfied about the fitness, safety of children; is not at all involved in such cases.

Neither the Act and Rules made thereunder there is any prohibition, no does the order passed by this Court in W.P.No.15591 of 2006 apply to the vehicles, used exclusively for the purpose of training. Therefore, the notice issued by the respondent cannot be sustained.

Accordingly the writ petition is disposed of, and the impugned order is set aside; by making it clear that the vehicles shall not be used for transporting school children, under any circumstances."

For the very same reasons, I allow this Writ Petition subject to the same conditions set out therein. No costs.

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NOOTY RAMAMOHANA RAO,J

Date: 16-05-2007
Note :Issue C.C. in three days
B/o
KLP/LUR